

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

HOWARD R. SPINDEL,

CV 06-969-HU

Plaintiff,

OPINION AND ORDER

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

REDDEN, Judge:

Plaintiff Howard R. Spindel filed this civil action for judicial review of the Commissioner's final decision denying his application for disability insurance benefits under Title II of the Social Security Act. On May 1, 2007, Magistrate Judge Hubel issued his Findings and Recommendation (doc. 15) that the Commissioner's decision be affirmed and the case dismissed.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the

Federal Rules of Civil Procedure. When a party objects to any portion of the Magistrate's Judge's Findings and Recommendation, the district court must conduct a *de novo* review of the portions of the Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiff timely filed objections. I have, therefore, given the file of this case a *de novo* review. Upon review of plaintiff's objections, I agree with Magistrate Judge Hubel's analysis and conclusions. The ALJ and Magistrate Judge Hubel properly evaluated the medical opinions of Dr. Dunlop and Dr. Oken, and provided adequate rationales for rejecting aspects of their respective opinions. In addition, I agree with Magistrate Judge Hubel's conclusion that the record as a whole supports the ALJ's evaluation of plaintiff's credibility. Finally, I disagree with plaintiff's argument that the ALJ's evaluation of plaintiff's functional limitations due to adhesive capsulitis was inadequate.

Therefore, I ADOPT Magistrate Judge Hubel's Findings and Recommendation (doc. 15) in its entirety. The Commissioner's final decision denying plaintiff's application for disability insurance benefits is AFFIRMED, and the case is DISMISSED with prejudice.

IT IS SO ORDERED.

Dated this 29th day of June, 2007.

/s/ James A. Redden
James A. Redden
United States District Judge